

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:24-CV-7-BO-KS

SHERRY ROYAL STRICKLAND,)
Administrator of the Estate of Henry Thomas,)
)
Plaintiff,)
)
v.)
)
ECOHEALTH ALLIANCE,)
)
Defendant.)

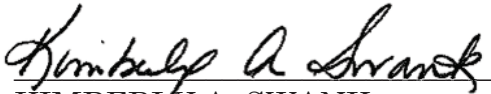
ORDER

This matter is before the court on Defendant's consent motion to stay discovery. Rule 26(c) of the Federal Rules of Civil Procedure vests district courts with discretion to stay discovery pending resolution of dispositive motions. *Yongo v. Nationwide Affinity Ins. Co. of Am.*, No. 5:07-CV-94-D, 2008 WL 516744, at *2 (E.D.N.C. Feb. 25, 2008). "Factors favoring issuance of a stay include the potential for the dispositive motion to terminate all the claims in the case or all the claims against particular defendants, strong support for the dispositive motion on the merits, and irrelevancy of the discovery at issue to the dispositive motion." *Id.*

Defendant has moved to dismiss Plaintiff's complaint pursuant to Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure. (Def.'s Mot. Dismiss [DE #9].) Defendant's motion has the potential to terminate the action in its entirety. It does not appear that discovery is necessary to a proper resolution of Defendant's motion to dismiss. Furthermore, Plaintiff consents to Defendant's motion. (Mem. Supp. Mot. Stay [DE #14] at 4.)

For these reasons, and having considered the grounds for dismissal raised by Defendant, the court finds good cause to stay discovery in this action. Accordingly, Defendant's motion to stay [DE #13] is GRANTED, and discovery shall be STAYED pending the court's resolution of Defendant's motion to dismiss. If the motion to dismiss is denied in whole or in part, the parties shall, within twenty-eight (28) days thereafter, conduct a discovery conference and submit a joint Rule 26(f) report for the court's consideration.

This 4th day of July 2024.


KIMBERLY A. SWANK
United States Magistrate Judge